

By: Chisum

H.B. No. 1030

A BILL TO BE ENTITLED

AN ACT

relating to licensing and regulation of cosmetology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1602.256, Occupations Code, is amended to read as follows:

Sec. 1602.256. ELIGIBILITY FOR A MANICURIST SPECIALTY LICENSE. (a) A person holding a manicurist specialty license may perform only the practice of cosmetology defined in Section 1602.002(a)(10) or (11) [~~1602.002(9) or (10)~~].

(b) To be eligible for a manicurist specialty license, an applicant must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and

(3) have completed 600 hours of instruction in manicuring through a commission-approved training program.

SECTION 2. Section 1602.257(a), Occupations Code, is amended to read as follows:

(a) A person holding a facialist specialty license may perform only the practice of cosmetology defined in Section 1602.002(a)(6)-(9) [~~1602.002(7)~~].

SECTION 3. Section 1602.258, Occupations Code, is amended

1 to read as follows:

2 Sec. 1602.258. ELIGIBILITY FOR A SPECIALTY
3 CERTIFICATE. (a) A person holding a specialty certificate may
4 perform only the practice of cosmetology defined in Section
5 1602.002(a)(2)-(4) [~~1602.002(2), (3), (4), or (7)~~].

6 (b) To be eligible for a specialty certificate, an applicant
7 must:

8 (1) be at least 17 years of age; and

9 (2) [~~have obtained a high school diploma or the~~
10 ~~equivalent of a high school diploma or have passed a valid~~
11 ~~examination administered by a certified testing agency that~~
12 ~~measures the person's ability to benefit from training; and~~

13 [~~(3)~~] have the necessary requisites as determined by
14 the department in the particular specialty for which certification
15 is sought, including training through a commission-approved
16 training program.

17 SECTION 4. Section 1602.262(a), Occupations Code, is
18 amended to read as follows:

19 (a) An applicant for an operator license, instructor
20 license, hairstylist specialty license, manicurist specialty
21 license, or facialist specialty license is entitled to the license
22 if the applicant:

23 (1) meets the applicable eligibility requirements;

24 (2) passes the applicable examination;

25 (3) pays the required fee; and

26 (4) has not committed an act that constitutes a ground
27 for denial of the license.

1 SECTION 5. Subchapter F, Chapter 1602, Occupations Code, is
2 amended by adding Section 1602.268 to read as follows:

3 Sec. 1602.268. ELIGIBILITY FOR A HAIRDRESSER SPECIALTY
4 LICENSE. (a) A person holding a hairdresser specialty license may
5 perform only the practice of cosmetology defined in Sections
6 1602.002(a)(1)-(5).

7 (b) To be eligible for a hairdresser specialty license, an
8 applicant must:

9 (1) be at least 17 years of age;

10 (2) have obtained a high school diploma or the
11 equivalent of a high school diploma or have passed a valid
12 examination administered by a certified testing agency that
13 measures the person's ability to benefit from training; and

14 (3) either:

15 (A) have completed 850 hours of instruction in
16 hairdressing through a commission-approved training program and
17 passed the applicable examinations; or

18 (B) hold a current operator license.

19 SECTION 6. Section 1602.354, Occupations Code, is amended
20 to read as follows:

21 Sec. 1602.354. CONTINUING EDUCATION. (a) The commission
22 will by rule recognize, prepare, or administer continuing education
23 programs for the practice of cosmetology. Participation in the
24 programs is mandatory for all license renewals.

25 (b) The commission may only require a license holder to
26 complete continuing education of not more than four hours in health
27 and safety courses if the license holder:

1 (1) is at least 65 years of age; and
2 (2) has held a cosmetology license for at least 15
3 years.

4 SECTION 7. Section 1602.403(a), Occupations Code, is
5 amended to read as follows:

6 (a) A private beauty culture school may not employ:

7 (1) a person holding an operator license, manicurist
8 specialty license, or specialty certificate solely to perform the
9 practices of cosmetology for which the person is licensed or
10 certified; or

11 (2) a person holding an instructor license to perform
12 any act or practice of cosmetology.

13 SECTION 8. Section 1602.266(c), Occupations Code, is
14 repealed.

15 SECTION 9. Not later than January 1, 2008, the Texas
16 Commission of Licensing and Regulation shall adopt rules necessary
17 to implement the changes in law made by this Act, including rules to
18 administer:

19 (1) Section 1602.268, Occupations Code, as added by
20 this Act, related to curriculum, examination, and procedures for
21 issuance of a hairdresser specialty license; and

22 (2) Section 1602.354, Occupations Code, as amended by
23 this Act, related to continuing education and renewal requirements.

24 SECTION 10. (a) Section 1602.354, Occupations Code, as
25 amended by this Act, applies only to a license that is renewed on or
26 after the effective date of this Act.

27 (b) Section 1602.268, Occupations Code, as added by this

1 Act, takes effect January 1, 2008.

2 SECTION 11. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2007.